

DEFINITIVE SITE DEVELOPMENT AND USE PLAN  
For the Planned Commercial District CD-10  
At 125, 131 and 141 SPRING STREET,  
(n/k/a 125 Spring Street, 100, 200, 300, 400, 500 and 600 Patriot Way)  
LEXINGTON, MASSACHUSETTS  
(the “Planned Commercial District”)

**INTRODUCTION**

This Definitive Site Development and Use Plan (this “DSDUP”) is prepared under the provisions of the Town of Lexington Code §§135-14C and 135-42F.

This DSDUP relates to property located at 125, 131 and 141 Spring Street (now known as 100, 200, 300, 400, 500 and 600 Patriot Way and 125 Spring Street) in the Town Lexington, Massachusetts (the “Town”), on which presently exists a number of office/research and development buildings occupied by Shire Human Genetic Therapies, Inc. at 125 Spring Street, 300, 400 and 500 Patriot Way (“Shire”) and CBSET located at 500 Patriot Way (the “Property”). The Property, except for the portion thereof known as 400 Patriot Way which is currently owned by Shire, is currently owned by Patriot Partners Lexington, LLC and 200 Patriot Way, LLC (collectively “Patriot Partners”). Shire and Patriot Partners together with their successors and assigns are hereinafter, individually and collectively referred to as the “Applicant” or the “Owner”.

The Property is subject to the Planned Commercial District CD-10 Zoning District Regulations (“CD-10 Zoning District” or “Planned Commercial District”), the terms of which were approved by Town Meeting in May 2004 (“Original PSDUP”). The Original PSDUP was subsequently amended by a vote of Special Town Meeting on November 9, 2009, which permitted up to an additional 380,000 feet of gross floor area for buildings (1,076,600 feet of gross floor area total) and 510,000 feet of additional gross floor area for structured parking for the Property (“Amended PSDUP”). This DSDUP supersedes that certain Definitive Site Development and Use Plan with respect to this CD-10 Zoning District approved by the Board of Appeals of the Town (the “Board of Appeals”) on January 24, 2008, which decision was recorded with the Middlesex South Registry of Deeds at Book 51547, Page 271 and subsequently amended by the Zoning Board of Appeals on October 16, 2008 (Recorded with the Middlesex South Registry of Deeds as Book 52060, Page 59.)

Portions of the Property will be developed in phases. Until such time as Building 100 is constructed, the area to be occupied by Building 100 shall be permitted to provide parking for Building 200. Upon construction of Building 100 a portion of the parking for Building 200 shall be re-located to the parking garage which will be constructed adjacent to Patriot Way across from Building 200 as shown on the DSDUP Plans referenced herein.

This DSDUP provides an understanding of the characteristics of the Property and adjoining land and submits a proposal consistent with those characteristics and the Amended PSDUP and demonstrates the feasibility of the proposed development along with an evaluation of the off-site impacts of the development and the ability of public services to accommodate the development.

Compliance of structures whether existing or hereafter constructed along with the uses conducted therein and the dimensional requirements governing the Property shall be solely based upon the terms and conditions of the Amended PSDUP unless otherwise specified herein.

This DSDUP is divided into the following sections:

- I. **GENERAL.** This section includes general information about the site and identifies the plans, exhibits and documents submitted herewith.
- II. **TYPES OF USES PERMITTED.** This section provides an overview of the proposed uses of the Property pursuant to this DSDUP submission subject to the grant of a special permit with site plan approval.
- III. **DIMENSIONAL STANDARDS.** This section describes the maximum dimensional standards permitted under the Amended PSDUP governing the construction in this CD-10 Zoning District.
- IV. **OTHER ZONING PROVISIONS.** This section describes other zoning provisions that are applicable in the CD-10 Zoning District, including requirements related to landscaping, transition and screening, off-street parking and loading, traffic, signs and lighting and illumination.
- V. **TABLE OF DEVELOPMENT DATA.** This section sets forth the table of development data for the development proposed under this DSDUP application.
- VI. **SPECIAL CONDITIONS.** This section sets forth the special conditions that apply within the CD-10 Zoning District and how the Applicant has complied or will comply with these requirements.

## I. **GENERAL**

- A. **Location and Boundaries:** The Property included in this CD-10 Zoning District is currently designated as 100, 200, 300, 400, 500 and 600 Patriot Way and 125 Spring Street, Lexington, Massachusetts. The boundaries of the area rezoned to the CD-10 Zoning District in accordance with the Original PSDUP as amended by the Amended PSDUP are included in the plans filed with this DSDUP and attached as Appendix 6, Section 2. A metes and bounds description of the boundaries of the parcels comprising the area within the Planned Commercial District is attached as Appendix 1, Section 4.

**B. Plans, Exhibits and Documents:** The following plans, exhibits and other documents are part of this DSDUP.

1. **Plans**

In accordance with the requirements of Article III, § 135-14 C, the Applicant has provided the Definitive Site Development and Use Plans for consideration by the Zoning Board of Appeals as part of the Special Permit with Site Plan Review (“SPS”) request. Said plans are entitled:

- (a) “Lexington Technology Park, 200 Patriot Way, Lexington, MA, Special Permit”, dated December 18, 2009, prepared by Symmes Maini & McKee Associates, Inc., consisting of nineteen (19) sheets;
- (b) “Lexington Technology Park, Spring Street, Lexington, MA, Definitive Site Development & Use Plan”, dated February 12, 2010, prepared by Symmes Maini & McKee Associates, Inc., consisting of fifteen (15) sheets.

The plans referenced above in Sections I.B.1(a) and (b) are hereinafter collectively, the “DSDUP Plans” and are provided in Appendix 6 of this filing.

2. **List of Appendices**

The DSDUP Plans along with the supplemental documentation required in accordance with Article III, § 135-14 C (2) of the Zoning By-Laws, Chapter 135 of the Code of the Town of Lexington, are attached as follows:

**Appendix 1 Certified Copy of the Amended PSDUP**

A certified copy of the Amended PSDUP approved by the November 9, 2009 Town Meeting which includes the Amended PSDUP Zoning language and Amended PSDUP plans will be provided upon the issuance of the Attorney General approval. In the interim, the Applicant has provided a copy of the materials approved by Town Meeting and submitted to the Attorney General. The Amended PSDUP is supplemented by the following technical reports, plans and agreements:

- 1) Traffic Study prepared by Tetra Tech Rizzo dated August, 2009;
- 2) Site Utilities Analysis prepared by Symmes Maini & McKee Associates, Inc., dated June 19, 2009;
- 3) Fiscal Impact Analysis prepared by Connery & Associates dated July 29, 2009;
- 4) Legal Description of CD-10 District;

- 5) Locus Plan prepared by Symmes Maini & McKee Associates, Inc., dated February 16, 2009;
- 6) Conceptual Site Plan prepared by Symmes Maini & McKee Associates, Inc., dated April 16, 2009;
- 7) Conceptual Architectural Images prepared by Symmes Maini & McKee Associates, Inc., dated April 23, 2009;
- 8) Table of Permitted Uses for Lexington Technology Park;
- 9) Executed copy of the Amended and Restated Memorandum of Understanding dated October 30, 2009.

**Appendix 2 Updated Traffic Memorandum prepared by Tetra Tech Rizzo dated February 11, 2010**

**Appendix 3 TIF Agreement signed by the Lexington Board of Selectmen, Patriot Partners Lexington, LLC, Shire HGT, Inc. dated October, 2007**

**Appendix 4 Conservation Restriction and Trail Plan**

- 1) Draft Conservation Restriction
- 2) Draft Trail Plan entitled “Conservation Restriction Trail Map”, dated January 22, 2010, prepared by Symmes Maini & McKee Associates, Inc.

**Appendix 5 Architectural Images for 200 Patriot Way prepared by Kling Stubbins dated February 11, 2010**

**Appendix 6 Definitive Site Development and Use Plans and Engineering Reports**

In addition to the DSDUP Plans provided in this Appendix 6, the Applicant has prepared the requisite Engineering Reports detailing zoning compliance data and site development information. The DSDUP Plans and Engineering Reports included in this section are as follows:

**200 Patriot Way**

- 1) “Lexington Technology Park, 200 Patriot Way, Lexington, MA, Special Permit”, dated December 18, 2009, prepared by Symmes Maini & McKee Associates, Inc., consisting of nineteen (19) sheets; and,
- 2) “Special Permit - Engineering Information, Lexington Technology Park, 200 Patriot Way, Lexington, MA” prepared by Patriot Partners Lexington LLC, Symmes Maini & McKee Associates, Inc., Kling Stubbins and Vanderweil Associates dated December 18, 2009;

#### **Lexington Technology Park Campus**

- 3) “Lexington Technology Park, Spring Street, Lexington, MA, Definitive Site Development & Use Plan”, dated February 12, 2010, prepared by Symmes Maini & McKee Associates, Inc., consisting of fifteen (15) sheets.
- 4) “Engineering Information - DSDUP, Lexington Technology Park, Lexington, MA” prepared by Symmes Maini & McKee Associates, Inc., dated February 12, 2010.

#### **C. Definitions:**

Except as provided below, defined terms shall have the same meanings as in the 2009 Lexington Zoning By-Law as amended through November 9, 2009 (hereinafter the “2009 Zoning By-Law”). The following terms shall have the following meanings in this CD-10 Zoning District and shall govern the Property:

1. Frontage. Shall be in compliance with the definition as described in Article II, §135-8 of the 2009 Zoning By-Law or shall be the line adjacent to any internal site drive of any length approved by the Board of Appeals of the Town pursuant to any definitive site development and use plan issued in accordance with Article III, § 135-14(C) of the 2009 Zoning By-Law.
2. Lot. A parcel of land used or set aside and available for use on the site of one or more buildings and buildings accessory thereto or for any definite purpose in one (1) ownership and may be divided by a street or way and shall include any land within the limits of a public or private way upon which such lot abuts. A lot for purposes of these zoning provisions may or may not coincide with a lot of record.
3. Maximum Height of Buildings and Structures. The maximum height of buildings and structures shall be determined in accordance with Article VII §135-39 of the 2009 Zoning By-Law, with the exception of the following:

Structures erected on a building and not used for human occupancy, such as, but not limited to, air and exhaust equipment, chimneys, heating-ventilating or air-conditioning equipment, solar or photovoltaic panels, elevator housings, antennas, skylights, cupolas, spires, mechanical and acoustical screening and the like (“rooftop structures”) may exceed the maximum height of a building in feet provided that no part of the rooftop structure(s) is more than twenty five (25) feet higher than the maximum permitted height of the building and the total horizontal coverage of such rooftop structures on the building does not exceed sixty (60) percent, with the exception of an aggregate area not to exceed three (3) percent of the total roof area which shall be allowed to have rooftop structures which extend no more than thirty five (35) feet above the roof line.

4. Medical Office. Office and associated laboratory facilities for use by physicians, psychiatrists, physical therapists and other health care professionals for outpatient care services only.

**D. Miscellaneous:**

In recognition of the intent and purpose of Article VIII, §135-42 of the 2009 Zoning By-Law which is to permit considerable flexibility in the development of individual tracts of land, in the event of: (i) any conflict between the provisions of the Amended PSDUP and the 2009 Zoning By-Law or any other by-law or regulation of the Town; or (ii) ambiguity under the Amended PSDUP, such conflict or ambiguity shall be resolved or construed in a manner consistent with and to permit satisfaction of the development intent described in the Amended PSDUP and further detailed in this document and the DSDUP Plans.

**II. TYPES OF USES PERMITTED**

The principal and accessory uses permitted within this CD-10 Zoning District are identified within the Use Table entitled “Permitted Uses for Lexington Technology Park” which is incorporated into the Amended PSDUP and is attached hereto as Appendix 1, Section 8.

The improvements presently existing, or to be constructed at 100 Patriot Way; 200 Patriot Way; 500 Patriot Way; 600 Patriot Way and 125 Spring Street shall be permitted, as provided in the Amended PSDUP, to conduct the following uses:

- *Section 2.7 “Office of manufacturer’s representative or salesman with no sales or storage and distribution of products from the premises”*
- *Section 2.8 “Other business, administrative or professional office, not elsewhere classified”*
- *Section 5.1 “Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products”*

Further, the property known as 300 and 400 Patriot Way shall be permitted to continue to conduct the following uses:

- *Section 2.7 “Office of manufacturer’s representative or salesman with no sales or storage and distribution of products from the premises”*
- *Section 2.8 “Other business, administrative or professional office, not elsewhere classified”*
- *Section 5.1 “Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products”*
- *Section 5.2 “Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including the production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative and support facilities related to any of the foregoing activities. All development proposals shall comply with applicable Federal, State and local laws, regulations and ordinances including, without limitation, laws, regulations and ordinances governing air pollution, water pollution control, noise and illumination.”*

The manufacturing uses permitted under Section 5.2 of the Use Table “Permitted Uses for Lexington Technology Park” as described above shall be limited only to the properties designated as 400 Patriot Way and a portion of 300 Patriot Way (The manufacturing uses at 300 Patriot Way shall occupy less than 20,000 net square feet), unless otherwise permitted by the Zoning Board of Appeals pursuant to a Special Permit with Site Plan Approval (“SPS”) and DSDUP decision.

### **III. DIMENSIONAL STANDARDS**

The following dimensional standards shall apply to this CD-10 Zoning District in accordance with Section III of the Amended PSDUP in lieu of any other dimensional standards or requirements:

Maximum Gross Floor Area*	(a)	1,076,600 s.f. – Occupied Buildings
	(b)	<u>510,000</u> s.f. – Garage Space
	Total	1,586,600 s.f.

Maximum Net Floor Area:*	806,555 s.f.
Maximum Floor Area Ratio (F.A.R.):*	0.24
Maximum % Site Coverage:*	25%
Maximum Height of Buildings:**	45 to 68 feet
Maximum Impervious Surface Ratio:*	35.7%
Minimum Yard Setback:***	50.0 feet

\* In this Planned Commercial District, any single lot may exceed one or more of the above dimensional standards, so long as all of the lots in the Planned Commercial District, taken in the aggregate, do not exceed any of the above dimensional standards. Notwithstanding anything to the contrary contained in the 2009 Zoning By-Law, Net Floor Area shall exclude the square footage of parking structures.

\*\* The maximum building height shall be 45 feet for all structures north of Patriot Way towards the abutting residential properties. For those areas denoted as: (i) Building 400 Envelope; and (ii) Building C and D Envelope on the plan entitled “Conceptual Site Plan”, dated June 19, 2009, prepared by Symmes, Maini & McKee Associates and which areas lie south of Patriot Way towards Route 2, the maximum building height shall be 54.5 feet and 68 feet, respectively. Structures erected on a building and not used for human occupancy, such as but not limited to air and exhaust equipment, chimneys, heating-ventilating or air-conditioning equipment, solar or photovoltaic panels, elevator housings, antennas, skylights, cupolas, spires, mechanical and acoustical screening and the like (“rooftop structures”) may exceed the maximum height of a building in feet provided no part of the rooftop structure(s) is more than twenty five (25) feet higher than the maximum permitted height of the building and the total horizontal coverage of such rooftop structures on the building does not exceed sixty (60) percent, with the exception of an aggregate area not to exceed three (3) percent of the total roof area which shall be allowed to have rooftop structures which extend no more than thirty five (35) feet above the roof line.

\*\*\* The minimum yard setback shall only apply to yards along lot lines that coincide with the perimeter of the Planned Commercial District (as opposed to yards along lot lines that are in the interior of the Planned Commercial District, for which no specific yard setback shall be required).

Lot lines may be established from time to time pursuant to a subdivision plan in accordance with Massachusetts General Laws Chapter 41; Section 81K et seq. and these lot lines may be altered from time to time in accordance with the procedures of Section 81P of Chapter 41 of the Massachusetts General Laws for so-called “Approval Not Required Plans” and/or the applicable provisions of Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws for the Planned Commercial District.

In connection with the Amended and Restated Memorandum of Understanding signed October 30, 2009, a copy of which is attached hereto in Appendix 1, Section 9, it is the intent of the Town and the Applicant to amend the Tax Increment Financing Agreement dated October 17, 2007 (“TIF”) such that the value of Building 100 would not be eligible for TIF exemptions unless the Town approves a new Tax Increment Financing for Building 100. In order to effectuate this condition, Patriot Partners will file with the Planning Board an Approval Not Required plan (the “ANR Plan”) which creates the requisite lot(s) for Building 100. A copy of this ANR Plan will be submitted to the Zoning Board of Appeals following its endorsement by the Planning Board.

The Plans entitled “Conceptual Site Plan” dated June 19, 2009 and “Property Rights and Dimensional Standards Plan A” (Sheet C2.1), dated June 19, 2009 and “Property Rights and Dimensional Standards Plan B” (Sheet C2.2), dated June 19, 2009, as prepared by Symmes,



Maini & McKee Associates (“SMMA”) approved as part of the Amended PSDUP denotes certain development envelopes wherein proposed structures are to be located. The owner or developer of the Property or any portion thereof shall be permitted to locate and relocate buildings and modify building footprints within these development envelopes subject to compliance with these zoning provisions and such relocations shall not be deemed a substantial deviation from the Amended PSDUP.

#### **IV. OTHER ZONING PROVISIONS**

##### **A. Landscaping, Transition and Screening:**

The existing topography and vegetation on the Property provides a character that is of vital importance to the neighborhood, community and the Owner. The proposed project has been carefully designed to retain the scale and character of the site. Along the property lines abutting the existing residential properties on Shade Street, all of the existing perimeter trees and plantings have been retained. Proposed plantings are intended to reinforce and complement the existing landscaping and provide a natural and proper setting for the new building(s). Proposed landscaping has also been designed to enhance protection and screening. Plant materials will be evergreen and deciduous with ornamental plantings in the vicinity of the new building(s) and walkways. Plant materials will be sized to respond to and enhance the proposed building(s) and landscaping.

Landscape plantings have been provided in compliance with the Amended PSDUP as shown on Sheets C5.1 and C5.2 of the DSDUP Plans filed herewith.

##### **B. Off-Street Parking and Loading:**

As shown on the DSDUP plans, the Applicant has provided for 2,646 off-street parking spaces in compliance with the Amended PSDUP. Said parking shall be constructed in phases as 200 Patriot Way, 100 Patriot Way and 600 Patriot Way are constructed.

Off-street parking and loading in this Planned Commercial District shall be provided in compliance solely with the provisions of the Amended PSDUP, unless otherwise noted herein:

1. Parking for all buildings, both existing and proposed, and both the office and research and development uses on the Property shall be permitted in common parking lots as of right.
2. Parking spaces and loading bays in this Planned Commercial District existing as of the date of the filing of the Amended PSDUP are not required to comply with §§135-38, 135-67 and 135-68 of the 2009 Zoning By-Law regarding location, yards, screening, driveways and design standards, so long as they are not substantially altered from their presently existing state and such spaces, if modified to the extent shown on the DSDUP Plans shall be deemed not to have been substantially altered, except that parking spaces

along a lot line that coincides with the perimeter of the Planned Commercial District (as opposed to spaces along a lot line that are within the interior of the Planned Commercial District) shall be required to comply with the ten-foot setback from a lot line provided for by §135-67 of the 2009 Zoning By-Law, and provided that any new parking spaces shall have a minimum width of 9 feet and a minimum depth of 18 feet. Of the total number of parking spaces permitted on the project, no more than 33% compact car spaces on any individual lot or parking structure subject to the review and approval of the Board of Appeals.

3. There shall be no required setback from the side and rear lot lines under §135-67 of the 2009 Zoning By-Law in this Planned Commercial District for the paved parts of parking spaces, driveway or maneuvering aisles, and these features may extend up to the side and rear lot lines, except that parking spaces along a lot line that coincides with the perimeter of the Planned Commercial District (as opposed to spaces along a lot line that is in the interior of the Planned Commercial District) shall be required to comply with a ten-foot setback from a lot line. In addition, the landscaping requirements of §135-68 of the 2009 Zoning By-Law shall not apply.
4. The Board of Appeals, in connection with any SPS, may waive the actual construction of required parking provided that such parking is held in reserve to be constructed upon a determination by the Board of Appeals that such parking is necessary. Notwithstanding the foregoing, the owner or developer of the Property or any portion thereof upon notice to the Board of Appeals shall be permitted to construct such reserved parking in accordance with plans approved by the Board of Appeals.

In the event that any lot in this Planned Commercial District is subdivided:

- 1) Parking spaces required for one lot may be located on a separate lot which may be in separate ownership, without a special permit so long as:
  - (i) all such spaces are for employees only, and not clientele; and
  - (ii) an easement guaranteeing long-term use of such spaces, and satisfactory in form to the Town Counsel, is executed and filed in the Registry of Deeds of Middlesex County.
- 2) A driveway on one lot may lead to a parking space or loading bay on another lot, or straddle the lot line and serve a parking space or loading bay on two or more lots without a special permit so long as a binding agreement, satisfactory in form to the Town Counsel, is executed and filed in the Registry of Deeds of Middlesex County prior to the issuance of a certificate of occupancy for the affected building(s). The Reciprocal Easement and Maintenance Agreement dated July 3, 2008, recorded at the Middlesex South Registry of Deeds at Book 51406, Page 564, as amended by First Amendment To Reciprocal Easement and Maintenance Agreement dated August 5, 2008 recorded at the Middlesex South Registry of Deeds at Book 51642, Page 103, previously reviewed and approved by Town

Counsel, shall be deemed to provide adequate access to parking spaces and loading bays located on or at 400 Patriot Way, without the need of any further agreement or consent of Town Counsel.

- 3) Landscaping and screening shall be as shown on the DSDUP plans.
- 4) The requirements of §135-68(B)(5) and §135-68(C) of the 2009 Zoning By-Law shall apply in order to provide a circulation system of the lot (so that all vehicles may exit from and enter onto a public street by being driven in a forward direction) and to regulate the amount of compact parking spaces on the Property.

The required parking ratios for all permitted uses within the Property shall be as follows. For any use not specifically listed below, the parking ratio in the 2009 Zoning By-Law shall apply.

<b>TYPE OF USE</b>	<b>PARKING FACTOR</b> <i>(minimum number of parking spaces to be provided)</i>
<b>INSTITUTIONAL, EDUCATIONAL &amp; RECREATIONAL USES</b>	
College, technical school	As Needed
Day-care center, school age child care program, nursery school, kindergarten	1 per 500 square feet of net floor area (nfa)
Lodge, community service center	1 per each 6 seats in the largest assembly area
Gymnasium, stadium, field house	1 per each 6 seats
Parks, athletic fields, tennis and pool facilities, golf courses, recreation centers, other institutional uses	As Needed
<b>OFFICE USES</b>	
All permitted Office uses (except as otherwise classified)	1 per 333 nfa
Medical office, out-patient clinic	1 per 200 nfa
<b>PERSONAL BUSINESS USE</b>	

Personal services, bank, business services, retail sales, and rental uses	1 per 250 nfa
<b>MANUFACTURING, RESEARCH USES</b>	
Manufacturing, research laboratory	1 per 500 nfa
Construction, storage, distribution and industrial service users	1 per 1,000 nfa
All other permitted uses	As needed, usually 1 per employee

**C. Traffic:**

The mitigating measures and cost sharing formulas concerning traffic described in the Amended and Restated Memorandum of Understanding, dated October 30, 2009 are attached to this DSDUP as Appendix 1, Section 9. Said Amended and Restated Memorandum of Understanding addresses the requirements of Article XII, §135-71 through §135-73 of the 2009 Zoning By-Law and the terms and conditions of said Memorandum of Understanding are incorporated by reference herein and made a part hereof. The design, dimensions, configuration, length and other aspects of all internal roadways and drives shown on the Amended PSDUP shall supersede all other requirements of the 2009 Zoning By-Law.

**D. Signs:**

Signs are permitted in compliance with Article XIII, §135-74 through §135-78 of the 2009 Zoning By-Law. Any pre-existing sign as of the date of the Amended PSDUP shall be deemed conforming.

**E. Lighting and Illumination:**

Exterior lighting and hours of operation shall comply with the applicable by-laws and regulations of the Town, including Article XIV, §135-79 through §135-85 of the 2009 Zoning By-Law. The SPGA may impose conditions on the grant of any SPS to reduce to the extent reasonably practicable, the adverse impacts of external lighting.

**V. TABLE OF DEVELOPMENT DATA**

- A. Total Land Area: 4,164,597 s.f. (95.6 acres)
- B. Area of Vegetated Wetland: 803,950 s.f.

<b>C.</b>	Developable Site Area:	3,360,647 s.f.
<b>D.</b>	Site Coverage of Buildings	12%
<b>E.</b>	Impervious Surface Area:	1,143,500 s.f.
<b>F.</b>	Impervious Surface Ratio:	34.0%
<b>G.</b>	Gross Floor Area:	(a) 1,048,062 s.f. Occupied Building
		(b) <u>503,220</u> s.f. Garage Space
		Total 1,551,282 s.f.
<b>H.</b>	Net Floor Area:	778,466 s.f.
<b>I.</b>	Floor Area Ratio:	0.23
<b>J.</b>	Off-Street Parking Spaces:	2557 *
	Loading Bays:	18

\* Includes 85 reserved spaces; 44 of those 85 spaces have been temporarily located and built to the south of 400 Patriot Way. The total Off-Street Parking Spaces proposed under this DSDUP does not include an additional 89 reserve spaces authorized under the APSDUP, which remain available for inclusion in future plans.

## VI. SPECIAL CONDITIONS

The following special conditions apply in this Planned Commercial District. (For those special conditions requiring the submission of materials or further explanation, the Applicant has provided a response in bold below the applicable section):

- A.** Applicable Zoning By-Law: The land and development in this CD-10 Zoning District is subject to the provisions of the 2009 Zoning By-Law only for the specific uses and provisions of such By-Law as noted herein.
- B.** Transfer: Any sale or transfer of rights and interests in the Property in this Planned Commercial District shall include a condition that successors and assigns are bound to the terms and conditions of the Amended PSDUP the DSDUP or any SPS decision granted by the Zoning Board of Appeals for this Planned Commercial District.
- C.** Traffic and Transportation Demand Management: A Traffic Demand Management Plan and Traffic Mitigation Plan is incorporated into the Amended PSDUP and are attached as Appendix 1, Sections 1 and 9.
- D.** Conservation Restriction: The Owner of the Property shall preserve those portions of the Property labeled "Conservation Restriction Area "A", "Conservation Restriction Area "B", and "Conservation Restriction Area "C" on the plan entitled "Conservation Restriction Trail Map", dated January 22, 2010, prepared by Symmes Maini & McKee Associates, (copy attached as Appendix 4, Section 1) as open and non-developed (except for maintenance and repairs of the existing gravel road, sewers, drainage infrastructure and utilities) and/or the Owner may elect to grant to the Conservation Commission of the Town a Conservation Restriction pursuant to Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 for that area designated as "Conservation Restriction Area" as shown on the Plan. The Owner shall submit any proposed

Conservation Restriction for state and local approval. If approved, the Conservation Restriction shall be recorded with the Middlesex South Registry of Deeds. The Owner of the Property shall agree that unless required for access to 400 Patriot Way that the area abutting the residential properties on Shade Street and which is that portion of 400 Patriot Way that is 20 feet wide shall remain in an undisturbed state except for walking or hiking pedestrian trails that may be developed in accordance with plans approved by the Owner and the Town.

**The Applicant has provided a draft Conservation Restriction to the Town of Lexington's Conservation Commission for review in compliance with the above condition. The Commission's review of the Conservation Restriction is ongoing, and may result in revisions to the draft Conservation Restriction, especially in light of the Applicant's and Commission's intention at this time to include within the Conservation Restriction provisions respecting walking Trails, which were the subject of a separate condition as further noted below. Upon agreement between the Applicant and the Conservation Commission on the final language and documentation, the Applicant shall work with the Conservation Commission to submit the Conservation Restriction to the state and upon final approval will record the Conservation Restriction with the Middlesex South Registry of Deeds. See Appendix 4, Section 1.**

- E. Grant Application Assistance: The Applicant shall also cooperate with and support the Town in its application(s) to obtain grant financing or public monies for public infrastructure improvements in South Lexington, which may include applications to the Massachusetts Opportunity Relocation and Expansion (MORE) Program, Public Works and Economic Development (PWED) Program, Infrastructure Investment Incentive (I-Cubed) Program, and other programs offered by the Commonwealth.

**Upon request by the Town, the Applicant will cooperate with and support the Town in its application to obtain grant financing or public monies for public infrastructure improvements in South Lexington in accordance with the above condition.**

- F. Building 600 Landscaping Buffer: In order to reduce visual impacts on the abutters to Building 600 and its associated garage, the Applicant shall construct an earthen berm with vegetated screening adjacent to structures constructed on Lot 5 as shown on the DSDUP Plans. The proposed vegetated screening shall substantially reduce residential views of said structures to the extent reasonably possible.

**The Applicant has provided the berm design and vegetated screening, including grading, planting locations and a planting schedule on the DSDUP Plans.**

- G. Open Space and Trails: The Applicant shall work with the Lexington Conservation Commission and Shade Street residents directly abutting the Property to design a series of nature trails for pedestrian related activities within the Conservation Restriction Area including the provision of construction level plans and specifications to allow for the

Town to construct the trail in the future. The locations of any future trails shall be subject to the security requirements of any tenant(s) of the Property. The trails created as a result of this condition shall be built and maintained by the Town.

**In the context of the Conservation Restriction discussions with the Conservation Commission, as noted above, the Applicant has provided the Commission a draft trail plan. As the Commission and the Applicant feel at this time that the Trails are most effectively addressed as part of the Conservation Restriction, the review of this matter is ongoing and shall run parallel with the Conservation Restriction process. See Appendix 4, Section 2 for a draft version of said documentation.**

- H.** Sustainable Design and Construction: The additional floor area (beyond that authorized in the Original PSDUP) permitted pursuant to this DSDUP shall be constructed, at a minimum, to the “Silver Standard” of The Leadership in Energy and Environmental Design (LEED-NC) Green Building System in effect as of the date of filing of this DSDUP. Notwithstanding the foregoing, this condition shall be expressly contingent upon LEED standards for a given use or building type having been issued. Upon request, the Board of Appeals may waive this requirement if the Applicant demonstrates that satisfaction of this condition would impose a commercially unreasonable burden on any user of the proposed building. The Applicant shall provide the Building Inspector with evidence of compliance with this commitment which shall include certifications from the Applicant’s consultants.

**The Applicant shall provide the requisite information evidencing compliance with this condition.**

- I.** Noise: Buildings, uses, and activities on the Property shall be designed and operated to minimize, to the extent reasonably practicable, external noise from building operations and mechanicals. In accordance with §135-12B(2)(a)[1] and §135-12C(1) of the 2009 Zoning By-Law, the SPGA may impose conditions on the grant of any Special Permit with Site Plan Review to ensure compliance with this special condition. Upon the filing of a definitive site development and use plan for the Property pursuant to Article III, §135-42F, the Owner shall provide the SPGA with noise data at the property lines of abutting residential properties so that the SPGA may determine and establish may establish, in its discretion, an existing conditions noise baseline from which changes in noise from building operations and mechanicals may be measured.

**The APSDUP requires an existing conditions noise baseline (a “Noise Baseline”) be established. The Applicant’s acoustical consultant (“Acoustical Consultant”) will establish such baseline in the manner set forth below, and the Applicant shall submit the report of the Acoustical Consultant as a supplement to this DSDUP.**

**Prior to the commencement of the Lexington Technology Park project in 2005 (the “Existing Conditions”), the Property included four commercial buildings: (i) a 79,962 square foot conference center (since demolished, but previously located in**

**the general vicinity of the proposed 200 Patriot Way); (ii) 125 Spring Street; (iii) the building now numbered 300 Patriot Way (prior to its recent renovations); and (iv) the building now numbered 500 Patriot Way. The HVAC systems and other building equipment that were located at those four buildings were all inventoried prior to commencement of the Lexington Technology Park project. Using the sound generation characteristics of those systems and that equipment, together with data regarding noise generated by traffic, commercial facilities and other noise sources in the area, the Acoustical Consultant will model the sound generation at the Property under the Existing Conditions, and will establish the existing conditions noise baseline at numerous locations along the Property boundary abutting residential properties.**

**The modeling would employ the CADNA software program, which is a modeling program that uses internationally recognized algorithms, and which has been used in preparing numerous noise evaluations submitted in satisfaction of the requirements of the Massachusetts Department of Environmental Protection and the Massachusetts Environmental Policy Act.**

- J.** Building Exterior: The Applicant shall attempt to limit glare from buildings onto abutting residential properties through the choice of building materials and the implementation of operating procedures to limit light migration. As part of the application procedure to the SPGA for any Special Permit with Site Plan Review, the Applicant's architect shall include a description of light reflectivity, light transmittance and proposed glass to wall ratios for vision and spandrel glass. The SPGA may impose conditions on the grant of any Special Permit with Site Plan Review to reduce, to the extent reasonably practicable, the adverse impacts of internal lighting and reflections on streets, abutting properties, and the night sky.

**The Applicant has provided the requisite building exterior details and images for 200 Patriot Way in compliance with this condition in Appendix 5 (Exterior Images) and Appendix 6, Section 2 (Building Information).**